



NEWS

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ADMINISTRATIVE OFFICE OF THE COURTS
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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF MARCH 25, 2002

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-56 Intel Corp. v. Hamidi, S103781. (C033076; 94 Cal.App.4th 325.)

Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents the following issues: (1) Does sending unsolicited non-commercial email messages into a company's computer network system in disregard of the company's objection constitute an actionable trespass to chattel, supporting injunctive relief, in the absence of any physical disruption to the receiving computer equipment? (2) Does judicial enforcement of an injunction against the sender of such email messages constitute state action under the federal or state Constitutions?

#02-57 Peracchi v. Superior Court, S103681. (F038251; 94 Cal.App.4th 209.)

Petition for review after the Court of Appeal granted a petition for peremptory writ of mandate. This case presents the following issue: May a defendant facing a resentencing hearing following a partial reversal of his underlying convictions disqualify the original trial judge from conducting the resentencing under Code of Civil Procedure section 170.6, subdivision (2)?

#02-58 People v. Chico, S104024. (A092567; 94 Cal.App.4th 867.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

(over)

The court ordered briefing deferred pending decision in People v. Buttram, S103761 (#02-39), which presents the following issue: When a defendant pleads guilty or no contest pursuant to an agreement that includes a maximum potential sentence and the trial court at a subsequent sentencing hearing imposes the maximum sentence, must the defendant obtain a certificate of probable cause in order to raise on appeal the claim that the trial court abused its discretion in imposing that sentence? (See Pen. Code, § 1237.5; Cal. Rules of Court, rules 31, 45.)

02-59 People v. Ramirez, S104424. (B144510; unpublished opinion.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in People v. Garcia, S097765 (#01-94), which presents the following issue: Can an enhancement be imposed on an aider and abettor under Penal Code section 12022.53, subdivision (e), for the use of a firearm in a felony that the jury finds was committed for the benefit of a criminal street gang within the meaning of Penal Code section 186.22, subdivision (b), if the person who allegedly personally used the firearm was not convicted of the underlying felony?

STATUS

#01-21 People v. Sanders, S094088. In this case, in which briefing was previously deferred pending decision in People v. Moss, S087478 (#00-79), the court ordered briefing, limited to the following issues: (1) Should this court reconsider our holding in In re Tyrell J. (1994) 8 Cal.4th 68, 74, that the otherwise illegal search of a minor who is subject to a probation search condition is “not unconstitutional despite the officer’s ignorance of the search condition”? (2) If our holding in In re Tyrell J. remains viable, should it apply to adult parolees who are subject to search conditions? (3) Under our decision in People v. Robles (2000) 23 Cal.4th 789, does the admissibility of the fruits of the search in the present case differ as to defendant Sanders, who was not subject to a search condition, as compared to defendant McDaniel, who was?

The court ordered briefing in the following cases deferred pending decision in People v. Sanders, S094088 (#01-21):

#02-40 People v. Hanks, S102982.

#02-41 People v. Hester, S102961.

In the following cases, in which briefing was previously deferred pending decision in People v. Moss, S087478 (#00-79), the court ordered briefing deferred pending decision in People v. Sanders, S094088 (#01-21):

#01-67 People v. Daniel, S096485.

#01-130 People v. Hardiman, S099287.

#01-100 People v. Perry, S098277.

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